UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/779,922	DELLA-LIBERA ET AL.
	Examiner	Art Unit	
	KAVEH ABRISHAMKAR	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 December 2008</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13, 19-29 and 31-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13, 19-29, and 31-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/03/2008, 2/23/2008</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is in response to the amendment filed on December 3, 2008. Claims

1-13, 19-29, and 31-40 were previously pending. Per the received amendment, no

claims were cancelled or added.

2.   Claims 1-13, 19-29, and 31-40 are currently being considered.

Information Disclosure Statement

3.   Initialed and dated copies of Applicant's IDS (form 1449), received on 12/03/2008

and 2/23/09, are attached to this Office Action.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-13, 19-29, and 31-40 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claims 1-12 are rejected under 35 U.S.C. 101

based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C §

101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski et al, 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state. The Examiner does not believe that a "device configured to receive messages" meets the "particular machine" as it appears that the device is nothing more than a general purpose computer.

Here, applicant's method steps are not tied to a particular machine and do not perform a transformation. Thus, the claims are non-statutory.

The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. *Note the Board of Patent Appeals Informative Opinion Ex parte Langemyer et al.*

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13, 19-29, and 31-40 are rejected under 35 U.S.C. 102(e) as being

anticipated by Sankar (U.S. Patent 7,065,706).

Regarding claim 1, Sankar discloses:

A method, comprising:

on a device configured to receive messages, receiving a message (column 2,

lines 35-39: *received message*);

selecting a first set of security information (column 2, lines 25-35: *parsing XML*

tags to get information) from a first plurality of sets of security information (column 2,

lines 25-35: *XML tags*) as a function of a property of the message (column 2, lines 25-

40: *wherein the message is received and then the XML tags are parsed*);

selecting a second set of security information (column 2, lines 35-40: *retrieving*

the attributes (second set of security information) from the XML tags and determining

identifying relevant attributes (selecting second set)) from a second plurality of sets of

security information (column 2, lines 35-40: *retrieving all the attributes*) as a function of

the first set (column 2, lines 24-48: *wherein the attributes are retrieved by parsing the XML tags*); and

applying the second set of security information to the message (column 2, lines 43-46: *determining security attributes to determine the operation to be performed on the message*).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Sankar discloses:

The method of claim 1, wherein applying the second set of security information to the message further comprises applying security information derived from the first set (column 2, lines 35-40: *retrieving the attributes (second set of security information) from the XML tags and determining identifying relevant attributes (selecting second set))*.

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Sankar discloses:

The method of claim 1, further comprising determining whether the message satisfies a security requirement derived from security information of the second set (column 4, lines 38-44: *determining if the message needs to be re-routed based on a relevant attribute derived from the XML tag*).

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Sankar discloses:

The method of claim 3, wherein determining whether the message satisfies a security requirement derived from security information of the second set further comprises determining whether the message satisfies a security requirement derived from security information in the first set (column 4, lines 38-44: *determining if the message needs to be re-routed based on a relevant attribute derived from the XML tag*).

Claim 5 is rejected as applied above in rejecting claim 3. Furthermore, Sankar discloses:

The method of claim 3, further comprising rejecting the message if the message does not satisfy the security requirement (column 4, lines 38-44: *determining if the message needs to be re-routed based on a relevant attribute derived from the XML tag*).

Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Sankar discloses:

The method of claim 5, further comprising accepting the message if the message satisfies all security requirements included in the second set (column 4, lines 38-44: *determining if the message needs to be re-routed based on a relevant attribute derived from the XML tag, wherein if the router has the functionality, the message is not re-routed*).

Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Sankar discloses:

The method of claim 6, wherein the message is received after transmission from a sender (column 4, lines 7-15: *message is received at a message router after it is sent by a sender*).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Sankar discloses:

The method of claim 1, wherein the message is to be transmitted to another process (column 4, lines 38-44: *determining if the message needs to be re-routed based on a relevant attribute derived from the XML tag, wherein if the router has the functionality, the message is not re-routed*).

Claim 9 is rejected as applied above in rejecting claim 8. Furthermore, Sankar discloses:

The method of claim 8, further comprising securitizing the message before the message is transmitted (column 4, lines 17-21: *wherein one of the services provided is XML encryption*).

Claim 10 is rejected as applied above in rejecting claim 1. Furthermore, Sankar discloses:

The method of claim 1, wherein the second plurality of sets of security information are shared between nodes of a network (column 4, lines 7-15: *wherein the message router re-routes the message to the appropriate node or process*).

Claim 11 is rejected as applied above in rejecting claim 1. Furthermore, Sankar discloses:

The method of claim 1, wherein the first set is selected using an XPath-based expression to match a preselected pattern (column 5, lines 29-34: *vocabulary library which is used after the XML tags are parsed*).

Claim 12 is rejected as applied above in rejecting claim 1. Furthermore, Sankar discloses:

The method of claim 1, wherein the first set is selected using Simple Object Access Protocol (SOAP) action (column 4, lines 24-26: *SOAP*).

Claim 13 is rejected as applied above in rejecting claim 1. Furthermore, Sankar discloses:

A machine readable medium having instructions for performing the method of claim 1 (column 10, lines 24-44: *computer readable medium*).

Regarding claim 19, Sankar discloses:

A system comprising:

a processor (column 4, lines 8-15);

a memory coupled to the processor to store at least a portion of a plurality of datastores (column 4, lines 8-15);

a first datastore to include a first plurality of sets of security information (column 2, lines 25-35: *parsing XML tags to get information*) related to an application residing in the system (column 2, lines 25-40: *wherein the message is received and then the XML tags are parsed to determine which application/process the message is to be re-routed to*);

a second datastore to include a second plurality of sets of security information (column 2, lines 35-40: *retrieving the attributes (second set of security information)*, wherein a set of the first plurality of sets is associated with a set of the second plurality of sets (column 2, lines 24-48: *wherein the attributes are retrieved by parsing the XML tags*); and

a module to select a first set from the first plurality of sets as a function of a property of a received message (column 2, lines 25-40: *wherein the message is received and then the XML tags are parsed*).

Claim 20 is rejected as applied above in rejecting claim 19. Furthermore, Sankar discloses:

The system of claim 19 wherein the first and second datastores are part of a single larger datastore (column 4, lines 56-65: *service registry*).

Claim 21 is rejected as applied above in rejecting claim 19. Furthermore, Sankar discloses:

The system of claim 19 wherein the module is further to apply security

information included in a second set of the second plurality of sets to the received

message (column 2, lines 43-46: *determining security attributes to determine the*

operation to be performed on the message).

Claim 22 is rejected as applied above in rejecting claim 21. Furthermore, Sankar

discloses:

The system of claim 21, wherein the module is further to apply security

information included in the first set to the received message (column 2, lines 43-46:

determining security attributes to determine the operation to be performed on the

message).

Claim 23 is rejected as applied above in rejecting claim 21. Furthermore, Sankar

discloses:

The system of claim 21, wherein the module is further to determine whether the

received message satisfies a security requirement included in security information of the

second set (column 4, lines 38-44: *determining if the message needs to be re-routed*

based on a relevant attribute derived from the XML tag, wherein if the router has the

functionality, the message is not re-routed).

Claim 24 is rejected as applied above in rejecting claim 23. Furthermore, Sankar

discloses:

The system of claim 23, wherein the module is further to reject the message if

the message does not satisfy the security requirement (column 4, lines 38-44:

determining if the message needs to be re-routed based on a relevant attribute derived

from the XML tag).

Claim 25 is rejected as applied above in rejecting claim 24. Furthermore, Sankar

discloses:

The system of claim 24, wherein the module is further to accept the message if

the message satisfies all security requirements included in the security information of

the second set (column 4, lines 38-44: *determining if the message needs to be re-*

routed based on a relevant attribute derived from the XML tag, wherein if the router has

the functionality, the message is not re-routed).

Claim 26 is rejected as applied above in rejecting claim 19. Furthermore, Sankar

discloses:

The system of claim 19, further comprising a third datastore to include mappings

from sets of the first plurality of sets to sets of the second plurality of sets, wherein the

second set is associated with the first set by a mapping included in the third datastore

(column 2, lines 43-46: *determining security attributes to determine the operation to be*

performed on the message).

Claim 27 is rejected as applied above in rejecting claim 19. Furthermore, Sankar

discloses:

The system of claim 19, wherein the module is to select the first set using an

XPath-based expression to match a preselected pattern (column 5, lines 29-34:

vocabulary library which is used after the XML tags are parsed).

Claim 28 is rejected as applied above in rejecting claim 19. Furthermore, Sankar

discloses:

The system of claim 19, wherein the module is to select the first set using a

predetermined Simple Object Access Protocol (SOAP) action (column 4, lines 24-26:

SOAP).

Claim 29 is rejected as applied above in rejecting claim 19. Furthermore, Sankar

discloses:

The system of claim 19, wherein the second plurality of sets are shared between

nodes of the system (column 4, lines 7-15: *wherein the message router re-routes the*

message to the appropriate node or process).

Regarding claim 31, Sankar discloses:

A machine-readable medium having components, comprising:

steps for receiving a message (column 2, lines 35-39: *received message*);

steps for selecting a first set of security information (column 2, lines 25-35:

parsing XML tags to get information) from a first plurality of sets of security information

(column 2, lines 25-35: *XML tags*) as a function of a property of the message (column

2, lines 25-40: *wherein the message is received and then the XML tags are parsed*),

wherein the first set of security information comprises security settings that define types

of messages that must be secured and wherein the types of messages that must be

secured are defined and provided by an application developer (column 2, lines 25-35:

parsing XML tags to get information about what security functions to perform on the

message);

steps for selecting a second set of security information (column 2, lines 35-40:

retrieving the attributes (second set of security information) from the XML tags and

determining identifying relevant attributes (selecting second set)) from a second plurality

of sets of security information (column 2, lines 35-40: *retrieving all the attributes*) as a

function of the first set (column 2, lines 24-48: *wherein the attributes are retrieved by*

parsing the XML tags), wherein the second set of security settings that specify particular

operations and settings for securing the messages, wherein the particular operations

and settings comprise algorithms to be used in signing and encrypting the messages

(column 4, lines 7-26: *XML encryption and XML signature are functions provided for by*

the message router and stored on a registry server); and

means for applying the second set of security information to the message

(column 2, lines 43-46: *determining security attributes to determine the operation to be*

performed on the message).

Claim 32 is rejected as applied above in rejecting claim 31. Furthermore, Sankar discloses:

The machine-readable storage medium of claim 31, further comprising means for determining whether the message satisfies a security requirement derived from the first and/or second sets (column 4, lines 38-44: *determining if the message needs to be re-routed based on a relevant attribute derived from the XML tag*).

Claim 33 is rejected as applied above in rejecting claim 32. Furthermore, Sankar discloses:

The machine-readable storage medium of claim 32, further comprising means for rejecting the message if the message does not satisfy the security requirement (column 4, lines 38-44: *determining if the message needs to be re-routed based on a relevant attribute derived from the XML tag*).

Claim 34 is rejected as applied above in rejecting claim 32. Furthermore, Sankar discloses:

The machine-readable storage medium of claim 32, further comprising means for accepting the message if the message satisfies all security requirements derived from the first and second sets (column 4, lines 38-44: *determining if the message needs to be re-routed based on a relevant attribute derived from the XML tag, wherein if the router has the functionality, the message is not re-routed*).

Claim 35 is rejected as applied above in rejecting claim 34. Furthermore, Sankar

discloses:

The machine-readable storage medium of claim 34, wherein the message is

received after transmission from a sender (column 4, lines 7-15: *message is received*

at a message router after it is sent by a sender).

Claim 36 is rejected as applied above in rejecting claim 31. Furthermore, Sankar

discloses:

The machine-readable storage medium of claim 31, wherein the message is to

be transmitted to another process (column 4, lines 38-44: *determining if the message*

needs to be re-routed based on a relevant attribute derived from the XML tag, wherein if

the router has the functionality, the message is not re-routed).

Claim 37 is rejected as applied above in rejecting claim 36. Furthermore, Sankar

discloses:

The machine-readable storage medium of claim 36, further comprising means for

securitizing the message before the message is transmitted (column 4, lines 17-21:

wherein one of the services provided is XML encryption).

Claim 38 is rejected as applied above in rejecting claim 31. Furthermore, Sankar

discloses:

The machine-readable storage medium of claim 31, wherein the second plurality of sets

of security information are shared between nodes of a network (column 4, lines 7-15:

wherein the message router re-routes the message to the appropriate node or process).

Claim 39 is rejected as applied above in rejecting claim 31. Furthermore, Sankar

discloses:

The machine-readable storage medium of claim 31, wherein the means for

selecting the first set uses an XPath-based expression to match a preselected pattern

(column 5, lines 29-34: *vocabulary library which is used after the XML tags are parsed*).

Claim 40 is rejected as applied above in rejecting claim 31. Furthermore, Sankar

discloses:

The machine-readable storage medium of claim 31, wherein the steps for

selecting the first set selects the first set using Simple Object Access Protocol (SOAP)

actions (column 4, lines 24-26: *SOAP*).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KAVEH ABRISHAMKAR whose telephone number is

(571)272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaveh Abrishamkar/
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03/29/2009
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